

Russian River Frost Protection Regulation



State Water Board Objective

- Establish a regulation that will prevent salmonid stranding mortality while minimizing the impacts of the regulation on the use of water for purposes of frost protection.

Goals to Attain that Objective

- Promote local development and governance of programs that prevent stranding mortality during the frost season,
- Provide transparency of diversion and stream stage monitoring data,
- Ensure that the State Water Board can require any changes to WDMP's that are necessary to ensure that WDMP's are successful and implemented on a timely basis,

Goals -Continued

- Provide for State Water Board enforcement against non-compliance, and
- Develop a comprehensive regulation that includes all diverters of water for frost protection use, including diverters who pump groundwater that is hydraulically connected to the stream system.

Recent Process

- 9/12/2011 State Water Board adopted the regulation and certified the EIR.
- 11/15/2011 State Water Board submitted its rulemaking package to the Office of Administrative Law (OAL).
- 12/29/2011 OAL approved the regulation and filed it with the Secretary of State.

Regulation

- Amend Section 862, Division 3, Title 23, California Code of Regulations

Purpose

- Frost protection of crops is a beneficial use of water.
- Stranding mortality [of salmonids] can be avoided by coordinating or otherwise managing [water] diversions to reduce instantaneous demand.

Basic Requirement

- After March 14, 2012, except for diversion upstream of Warm Springs Dam in Sonoma County or Coyote Dam in Mendocino County, any diversion of water from the Russian River stream system, including the pumping of hydraulically connected groundwater, for purposes of frost protection from March 15 through May 15 shall be diverted in accordance with a board approved water demand management program (WDMP).

Do I have to be part of a WDMP?

- If you answer “yes” to all of the following:
 - 1.) Do I pump surface or groundwater from the Russian River stream system anytime between March 15 through May 15?
 - 2.) Is my diversion point downstream of Warm Springs Dam or Coyote Dam? *
 - 3.) Do I pump water for the purpose of frost protection?

* Downstream includes West Fork Russian River, its tributaries and all other tributaries downstream of these dams.

WDMP

- To assess the extent to which diversions for frost can affect stream stage
- To manage cumulative diversions to prevent salmonid stranding mortality
- Can be administered by an individual or governing body

WDMP Components

- Inventory of frost diversion systems in the area of the WDMP
- Stream stage monitoring program
- Risk assessment of stranding mortality due to frost diversions
- Identification and timelines for corrective action implementation
- Annual reporting of program data, activities, and results

Additional WDMP Reporting

- Known diverters within the area subject to the WDMP who declined to participate
- Schedule for conducting the frost inventory, developing and implementing the stream stage monitoring program, and conducting the risk assessment

Phased WDMP Implementation

SWRCB Resolution 2011-0047

I. February 1, 2012 – Initial WDMP

- ❖ Identity of the governing body
- ❖ Names of participating diverters
- ❖ Source of water and acreage frost protected
- ❖ Schedule for completing the frost inventory, developing and implementing the stream stage monitoring program, and conducting the risk assessment

Phased WDMP Implementation

II. Three Month update

Rest of the inventory except for the diversion data.

- ❖ Location of the diversions
- ❖ Description of the diversion system and its capacity
- ❖ Acreage frost protected by means other than water diverted from the Russian River Stream System

Phased WDMP Implementation

III. September 1, 2012 – First Annual Report

- ❖ Updates to the inventory
- ❖ Rate of diversion, hours of operation, and volume of water diverted during each frost event for the year
- ❖ High priority stream stage monitoring data
- ❖ Progress towards development of determining protective stream stages

Phased WDMP Implementation

IV. September 1, 2013 – 2nd Annual Report

- ❖ Inventory Updates
- ❖ Stream stage monitoring data
- ❖ Installation of medium priority stream gages
- ❖ Some stream stage criteria and risk assessment completed

Phased WDMP Implementation

V. September 1, 2014 – Third Annual Report

- ❖ Inventory Updates
- ❖ Stream stage monitoring data
- ❖ Complete initial stream stage gage installations and determination of necessary stream stages
- ❖ Updated risk assessment
- ❖ Corrective action plan and implementation schedule if corrective action is needed

Groundwater Exemption

- Governing body may develop and submit criteria for identifying groundwater diversions that are not hydraulically connected to the Russian River stream system
- Governing body may submit a list of groundwater diverters for exemption
- Individual diverters may demonstrate exemption three years from the effective date of the regulation

Compliance and Enforcement

- All water diverters must comply with the regulation.
- Diversion of water in violation of the regulation is a violation of Water Code section 100
- The State Water Board can issue an Order for noncompliance. Violation of the Order can result in fines.

WDMP Compliance Responsibility

- The WDMP shall identify known diverters within the area subject to the WDMP who declined to participate, and any instances of non-compliance including the failure to implement corrective actions.
- The WDMP is not responsible for enforcement.

Information

Web

[http://www.waterboards.ca.gov/
Waterrights/water_issues/programs/policy.shtml](http://www.waterboards.ca.gov/Waterrights/water_issues/programs/policy.shtml)